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## THE ANDHRA PRADESH GAZETTE

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AMARAVATI, SATURDAY, MAY 11, 2019

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#### PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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#### NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

#### COMMANDANT, HQRS, A. P. SPECIAL PROTECTION FORCE, TIRUPATI.

##### SHOW CAUSE NOTICE

O.E. AGAINST Sri G. SAMBASIVA RAO, CT-5175 OF APSPF, TTD TIRUPATI - FORWARDING OF MINUTES COPY - FINAL EXPLANATION CALLED FOR.

Ref : 1) Proceedings: Rc.No.02/A3/Comdt.Hqrs/APSPF/TPT/2019, O.O.No.170/2019, Dated: 15.02.2019 of this Office.  
2) Charge Memo.Rc.No.02/A3/Comdt.Hqrs/APSPF/TPT/2019, Dated: 29.01.2019 of this Office.  
3) Rc.No.13/INSP/SPF/TTD/OE-5175/2019/D.No.710, Dated: 12.04.2019 of the Inspector, APSPF, TTD, Tirumala.

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**Rc.No.02/A3/Comdt.Hqrs/APSPF/TPT/2019**,- In the reference 1<sup>st</sup> cited, an Oral Enquiry was ordered against you in connection with the Article of Charge framed vide reference 2<sup>nd</sup> cited. Now the Enquiry Officer Sri A.P.M.S. Reddy, Inspector, APSPF, TTD Tirumala has submitted Oral Enquiry report duly "**Proved**" the Article of Charge vide reference 3<sup>rd</sup> cited. A copy of the enquiry report is sent herewith, with instructions to submit your final explanation if any, in order to dispose off the Oral Enquiry.

Your explanation should reach this office within (10) days from the date of receipt of this Memo, failing which, the O.E. will be disposed off basing on the merits.

**Sd/-,**

*Commandant, Hqrs.,  
A.P.Special Protection Force,  
Tirupati.*

Date: 22.04.2019.

To

Sri G. Sambasiva Rao, CT-5175 of APSPF, TTD Tirupati.  
thro' the Assistant Commandant, APSPF, TTD Tirupati.

IN THE DEPARTMENTAL ORAL ENQUIRY HELD AGAINST  
SRI G. SAMBASIVA RAO, CT-5175 OF SPF, TTD, TIRUPATI

Submitted by  
 Inquiry Officer  
 Sri A.P.M.S.Reddy,  
 Inspector, SPF, TTD, Tirumala  
 vide Rc.No.13/Insp/ SPF/ TML/OE CT-5175/2019,  
 Dated: 12.04.2019.

- 1) Under sub-rule (02) of Rule (20) of AP. Civil Services (CC&A) Rules 1991, I was appointed as Inquiring Authority by the Commandant, Headquarters, APSPF, Tirupati to enquire into the charges framed against Sri G.Sambasiva Rao, CT-5175 of SPF, Tirupati vide Proceedings. Rc.No. 02/ A3/Comdt.Hqrs/ APSPF/ TPT/ 2019, O.o.No. 170/2019, Dt: 15.02.2019. I have since completed my inquiry and on the basis of the documents and oral evidence adduced before me, I prepared my enquiry report as under:-
- 2) No presenting officer has been appointed.
- 3) The charged officer Sri G.Sambasiva Rao, CT-5175 of SPF, Tirupati has not attended to the OE on **26.02.2019 and 29.03.2019**.
- 4) The following article of charge has been framed against Sri G.Sambasiva Rao, CT-5175 of SPF, Tirupati.

**ANNEXURE - I**

Statement of Article of charge framed against Sri G. Sambasiva Rao, CT-5175 of APSPF, TTD Tirupati.

**ARTICLE - I**

That the said Sri G. Sambasiva Rao, CT-5175 was passported to avail one day casual leave from 29.11.2018 AN to 30.11.2018 AN. Even after expiry of the said leave, he did not attend for duties and absenting the duties unauthorizedly w.e.f. 30.11.2018 AN by adopting irregular procedure for availing medical leave. Therefore, his act of unauthorized absence amounts to willful absence.

By the above act, he has exhibited gross misconduct and negligence towards his legitimate duties, which is un-becoming of a Government servant thereby violating Rule-3 of APCS (conduct) Rules-1964.

**ANNEXURE - II**

**List of Documents:**

- 1) Report of the Asst. Commandant, APSPF, Tirupati vide C.No.11/AC/SPF/TPT/ CL-OSL/2018/D.No.965, Dated: 03.12.2018.
- 2) Report of the Asst. Commandant, APSPF, Tirupati vide C.No.11/AC/SPF/TPT/ OSL/D.No.56, Dated: 07.01.2019.

**List of witnesses:**

1) The Asst. Commandant, APSPF, Tirupati.

**5) Case of the Disciplinary Authority:**

It is reported by the Assistant Commandant, SPF, Tirupati that the charged officer Sri G.Sambasiva Rao, CT-5175 went on one day CL w.e.f 29.11.2018 (AN) to 30.11.2018 (AN). Instead of reporting back for duties, he became OSL from CL w.e.f. 30.11.2018 (AN) vide C.No. 11/AC/SPF/TPT/CL- OSL/2018, D.No.965, Dt: 03.12.2018 (**Marked as Exhibit P.E.I.**). Further, the CT-5175 Sri G.Sambasiva Rao has informed to the AC, SPF, Tirupati over phone that he met with an accident and taking medical treatment in the Govt. Hospital, Narasaraopet, Guntur Dist. Then the AC, SPF, TTD Tirupati instructed him to report sick at any nearby SPF unit and obtain sick passport for medical treatment.

Further, instead of reporting sick at nearby SPF unit, the CT-5175, Sri G.Sambasiva Rao has sent a representation, O.P Ticket and (2) Medical Certificates issued by the Medical Officer, Area Hospital, Narasaraopet, Guntur Dist., through courier to the AC, SPF, Tirupati. In his representation the CT-5175 Sri G.Sambasiva Rao has stated that while he was coming to Tirupati to report for duties, he met with an accident on 30.11.2018 and he received injuries. He was taken to Area Hospital, Narasaraopet by the pedestrians. The same was informed to the APSPF, Hqrs, Guntur. Further, Sri G.Sambasiva Rao has obtained medical rest in two spells i.e w.e.f 01.12.2018 to 31.12.2018 and w.e.f 01.01.2019 to 15.02.2019. In this connection the AC, SPF, TTD Tirupati has sent a report to the Commandant, Hqrs, APSPF, Tirupati vide C.No.11/AC/SPF/OSL/D.No.56, Dated:07.01.2019 (**Marked as Exhibit P.E.II.**).

Further, the CT-5175 Sri G.Sambasiva Rao has again sent a representation and medical documents to the AC, SPF, Tirupati for extension of (59) days sick leave w.e.f 16.02.2019 to 15.04.2019. Since the O.E is under process the AC, SPF, Tirupati has handed over all the medical documents to the E.O and the same was informed to the Commandant, Hqrs, APSPF, Tirupati vide C.No.11/ AC/SPF/TPT/ OSL-5175/D.No.509/2019, Dt: 11.03.2019 (**Marked as Exhibit P.E.III.**).

Further, a memorandum of charge was framed against the CT-5175, Sri G.Sambasiva Rao by the Commandant, Hqrs, APSPF, Tirupati and asked explanation vide memorandum of charge Rc.No.02/A3/Comdt.Hqrs/APSPF/ TPT/2019, Dt:29.01.2019. The charged officer has submitted his written explanation to the Disciplinary Authority i.e Commandant, Hqrs, APSPF, Tirupati through the unit officer i.e., AC, SPF, Tirupati. Subsequently the Commandant, Hqrs, APSPF, Tirupati has ordered O.E appointing me (A.P.M.S.Reddy, Inspector, SPF, TTD Tirumala) as E.O vide Rc.No.02/A3/Comdt.Hqrs/APSPF/TPT/2019, O.o.No. 170/2019, Dt: 15.02.2019. Accordingly, I have communicated the O.E intimation to the charged officer with instructions to attend the O.E on 26.02.2019 at O/o AC, SPF, TTD Tirupati. But the charged officer did not attend to the O.E on the above date.

Further, 2<sup>nd</sup> time O.E date is fixed and informed to the charged officer and P.W to attend the O.E on 29.03.2019. But the charged officer has refused to take O.E intimation letter and he did not attend to the O.E on 29.03.2019. Subsequently, I recorded the statement of P.W and conducted an **ex-part** O.E.

The P.W has deposed his statement as follows:-

**STATEMENT OF SRI N.V.RAJU. INSPECTOR (ADMNL APSPF TIRUPATI)**

I, N.V.Raju, Inspector (Admn.) am working at SPF unit Tirupati w.e.f 11.06.2017. On behalf of Asst.Commandant, APSPF, Tirupati, as per the records available in the SPF office Tirupati, I depose my statement as follows: -

Sri G.Sambasiva Rao CT-5175 was sanctioned and passported to avail (01) day CL w.e.f. 29.11.2018 (AN) to 30.11.2019 AN to see his ailing mother. After availing one day C/L, he has to resume for duties on 30.11.2018(AN). But he failed to do so and became OSL from CL w.e.f. 30.11.2018(AN). In this connection the AC, SPF, Tirupati has sent a report to the Commandant, Hqrs, APSPF, Tirupati vide C.No. 11/AC/SPF/TPT/CL-OSL/2018 D.No.965, Dt: 03.12.2018.

Further, the CT-5175 Sri G.Sambasiva Rao has informed to the AC, SPF, Tirupati over phone that he met with an accident and he was taking medical treatment in the Govt. Hospital, Narasaraopet, Guntur (dist.). Then the AC, SPF, Tirupati has instructed him to report sick at nearest SPF unit for obtaining sick passport for medical treatment. But he failed to do so and continued on OSL.

Further, instead of reporting sick at nearby SPF unit, the CT-5175 Sri G.Sambasiva Rao approached the medical officer Govt. Hospital, Narasaraopet, Guntur (Dist.) directly and obtained medical rest in two spells i.e. (31) days w.e.f. 01.12.2018 to 31.12.2018 and (46) days w.e.f. 01.01.2019 to 15.02.2019. He adopted irregular sick procedure in extension of sick leave. In this connection a report was submitted to the Commandant, Hqrs, APSPF, Tirupati duly enclosing the Medical documents and representation sent by the CT-5175 Sri G.Sambasiva Rao vide C.No.11/AC/SPF/TPT/OSL/D.No.56, Dt: 07.01.2019.

Further, the CT-5175 Sri G.Sambasiva Rao has again sent medical documents and extended (59) days sick leave w.e.f. 16.02.2019 to 15.04.2019 by adopting irregular sick procedure. In this connection a report was submitted to the Commandant, Hqrs, APSPF, Tirupati and the medical documents have been handed over to the Inquiring Authority i.e. Sri A.P.M.S.Reddy, Inspector, APSPF vide C.No.11/AC/SPF/TPT/OSL-5175/D.No.509/2019, Dt:11.03.2019. The CT-5175 Sri G.Sambasiva Rao has adopted irregular sick procedure in extension of sick leave and he simply sent the medical certificates and representations for extension of sick leave. He was continued on OSL/un-authorized absence w.e.f 30.11.2019 (AN) and he did not report for duties so far.

**Cross Examination by the Charged Officer**

The charged officer has declined to cross examine the P.W

**6) Case of the Defendant :****DEFENCE STATEMENT OF SRI G.SAMBASIVA RAO, CT-5175, SPF, TIRUPATI.**

In reply to the memorandum of charge, the charged officer Sri G.Sambasiva Rao, CT-5175 has stated that he has been performing duties at SPF unit Tirupati. As sanctioned by the AC, SPF, Tirupati, he went on one day CL w.e.f. 29.11.2018 (AN) to 30.11.2018 (AN). While he was coming to Tirupati to report for duties on his motor bike, he met with an accident and he received injuries to his body. The pedestrians taken him to the Area Hospital, Narasaraopet, Guntur Dist., for medical treatment. He has informed the same to the AC, SPF, Tirupati and as per the instructions of AC, SPF, Tirupati he informed to the APSPF, Hqrs, Guntur and submitted Medical Certificate at APSPF, Hqrs, Guntur. He has also sent the copies of Medical Certificates to the SPF unit Tirupati through courier. He has requested to sanction eligible leave till the recovery from ill health as he is taking medical treatment under the advice of Medical Officer.

**7) Analysis and Assessment of Evidence:**

I have carefully gone through the entire OE file including defense statement of the charged officer, documentary evidence and the statement of the Prosecution Witness. I have analyzed the entire case as follows

1. It is a fact that the charged officer Sri G.Sambasiva Rao, CT-5175 went on one day CL w.e.f 29.11.2018 (AN) to 30.11.2018 (AN). He was supposed to resume for duties on 30.11.2018 (AN). But he did not report for duties and became OSL from CL w.e.f. 30.11.2018 (AN).
2. The charged officer Sri G.Sambasiva Rao, CT-5175 has informed over phone to the unit officer i.e. Asst.Commandant, APSPF, Tirupati that while he was coming back to Tirupati to report for duties on his motor bike, he met with an accident and the public/pedestrians taken him to the Area Hospital, Narasaraopet, Guntur Dist., on 30.11.2018 (AN). He informed the same to the unit officer/AC, SPF, Tirupati, who in turn instructed him to report sick at nearby SPF unit to obtain sick passport for medical treatment. But the charged officer has failed to do so. Instead of reporting sick at nearby SPF unit, he approached the Medical Officer, Area Hospital, Narasaraopet, Guntur Dist., directly and he extended sick leave in piece-meal by sending Medical Certificates i.e (31) days w.e.f. 01.12.2018 to 31.12.2018, (46) days w.e.f 01.01.2019 to 15.02.2019 and (59) days w.e.f. 16.02.2019 to 15.04.2019 total (136) days, which is irregular and against to the existing procedure in SPF.
3. The charged officer Sri G.Sambasiva Rao, CT-5175 initially went on one day CL w.e.f. 29.11.2018 (AN) to 30.11.2018 (AN) and extended sick leave for a long period of (136) days i.e. w.e.f. 01.12.2018 to 15.04.2019 by adopting irregular sick procedure. As per the procedure in vogue, if anybody goes on CL, EL, ML etc., and intend to extend leave on medical grounds due to ill health, first he has to report sick at his parent unit or any SPF unit deployed nearby his place of stay to obtain sick passport for Medical treatment. But in this case, the charged officer did not follow the procedure and extend sick leave by sending medical certificates and adopted irregular sick procedure.

4. Further, it is pertinent to mention here that the charged officer Sri G.Sambasiva Rao, CT-5175 was not admitted as In-patient in any hospital and he has not submitted authentic documents in support of his claim for his prolonged medical treatment except Medical Certificates and O.P Tickets.
5. The charged officer Sri G.Sambasiva Rao, CT-5175 was given reasonable opportunity to prove his innocence in the O.E. But he refused to take O.E intimation letters sent by post with acknowledgement due. The O.E intimation letters received back with the postal remarks that the "addressee refused". Hence Ex-Parte O.E was conducted and examined the P.W and connected records/ reports.

**8) OPINION** : On the basis of the oral evidence adduced before me during the course of oral enquiry and as per the documentary evidence, the Article of Charge leveled against the charged officer Sri G.Sambasiva Rao is "**Proved**" beyond any reasonable doubt.

Certified that the procedure laid down in the Rule 20 of APCS (CC&A) Rules-1991 has been followed in conducting Oral Enquiry.

**A.P.M.S. REDDY,**  
(*Inquiring Authority*)  
*Inspector,*  
*A.P. Special Protection Force,*  
*TTD, TIRUMALA.*

Date: 12.04.2019.

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